



TOWN CLERK

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Town Clerk

TOWN OF GRAFTON
GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
(508) 839-5335 ext. 1195
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CERTIFICATE OF NO APPEAL

Bk: 54051 Pg: 121
Page: 1 of 14 07/24/2015 09:35 AM WD

APPROVAL:

PLANNING BOARD
Special Permit and Site Plan Approval (2015-2)

PETITIONER:

Rocco Addeo Jr. d/b/a Hilltop Self-Storage of Grafton,
LLC
100 Milford Road, South Grafton, MA 01560

OWNER:

Rocco Addeo Jr. d/b/a Hilltop Self Storage of Grafton,
LLC
116 Milford Road, South Grafton, MA 01560

DEED REFERENCE:

100 Milford Road
Assessors Map 133, Lot 1B
Book 43962, Page 36
Worcester District Registry of Deeds

This is to certify that a copy of the Decision of the Planning Board of the Town of Grafton for Modification of a Special Permit & Site Plan Approval under Section 2.3.3.10 of the Grafton Zoning- By-Laws, to construct a 726 kW rooftop solar electric generating facility on property located at 100 Milford Road, South Grafton, MA 01560 was received and filed in the Office of the Town Clerk on June 26, 2015 at 2:14 P.M.

No Notice of Appeal of the Decision was filed within the twenty days next, the appeal period ending on July 16, 2015.

A true copy,

Attest:

(Seal)

Asst. *Handy L. Saville*
Town Clerk - Grafton, Massachusetts

14

**DECISION
GRAFTON PLANNING BOARD**

**SPECIAL PERMIT (SP 2015-2)
SITE PLAN APPROVAL (SPA 2015-2)**

Construct a Rooftop Solar Energy Generating Facility

100 Milford Road, South Grafton

Rocco Addeo, Jr. d/b/a Hilltop Self-Storage of Grafton, LLC (Applicant)

Rocco Addeo, Jr. d/b/a Hilltop Properties, LLC (Owner)

RECEIVED TOWN CLERK
GRAFTON, MA
2015 JUN 26 PM 2 14

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Rocco Addeo, Jr. d/b/a Hilltop Self-Storage of Grafton, LLC., 100 Milford Road, South Grafton, 01560 (hereinafter the APPLICANT), for a Special Permit under Section 3.2.3.1 to construct a 726 kW rooftop solar electric generating facility on property located at 100 Milford Road, South Grafton MA and shown on Grafton Assessor's Map 133, Lot 1B and owned by Rocco Addeo, Jr. d/b/a Hilltop Properties, LLC., 116 Milford Road, South Grafton, 01560 (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds in Book 43962, Page 36.

I. BACKGROUND

The above referenced Application for a Special Permit (hereinafter APPLICATION) was submitted on February 17, 2015. Notice of the public hearing and the subject matter thereof was published in the Grafton News on March 4 and March 11, 2015 and posted with Town Clerk's Office. The Planning Board considered the Application at a properly posted meeting of said Board on March 23, 2015, which was continued to April 27 and May 4, 2015 at which time the hearing was closed. Abutters were notified by First Class Mail. At the public hearing, all those wishing to speak to the petition were heard. Following public input the hearing was closed on May 4, 2015.

The following Board members were present throughout the public hearing: Chairman David Robbins, Vice Chairman Michael Scully, Clerk Sargon Hanna, and Members Linda Hassinger and Robert Hassinger. At the hearing the following people presented the Application: Mr. Travis Brown of Andrews Survey & Engineering, Inc. and Mr. Rocco Addeo, Applicant / Owner.

II. PROJECT OVERVIEW

On March 10, 2009 the Planning Board granted, with conditions, a Special Permit (SP 2009-11) and Site Plan Approval for the development of this site. The plan included two commercial buildings, each 5,000 square feet, parking, site access, stormwater management systems and other associated infrastructure required to service the proposed uses and site development. Included in the Board's review was a traffic study (see EXHIBIT #1 of the application for SP 2009-11). The Special Permit was valid for one year and the Site Plan Approval was valid for two years per the requirements of the Grafton Zoning By-Law. The Decision was filed with the Worcester District Registry of Deeds on March 30, 2010 (Book 45615, Page 249).

At the time of approval, the State had instituted the Permit Extension Act that automatically extended, for four years beyond its otherwise applicable expiration date, any permit or approval that was "in effect or existence" during the qualifying period beginning on August 15, 2008 and extending through August 15,

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2012. The Act applies to regulatory approvals issued by local, regional or state entities that concern the use or development of real property. "Approval" is defined broadly to include any permit, certificate, license, certification, determination, exemption, variance, waiver, building permit, or other approval or determination of rights, and any order, except for enforcement orders. Section 1.3.3.2 states "where a use is permitted upon issuance of a Special Permit, the Site Plan Review procedure shall be incorporated into the procedure used for dealing with applications for Special Permit." In the previous case the Site Plan Approval was incorporated into the Special Permit process. And while the ZBL states a Site Plan Approval is valid for two years, it is assumed to be contingent upon the associated and co-joined Special Permit which is valid for one year. Special Permit SP2009-11 was granted with conditions by the Planning Board on March 9, 2010. No appeal was filed with the Town Clerk's office. The Special Permit's period of validity expired on March 9, 2011. At that time no work had begun on the site. However, the Permit Extension Act extended the validity of the Special Permit for an additional four years beyond the expiration date to March 9, 2015.

Two additional work items presented to the Board relating to this property include:

- **December 2011 - Request to Modify Special Permit (SP 2009-11) & Site Plan Approval.** The Applicant's attorney submitted a request to modify the original permit and approval to allow the construction of the roadway and other supporting roadway infrastructure through the site to access a proposed solar farm being developed on abutting property in Northbridge also owned by the Applicant. In a letter presented by the Applicant's attorney it was stated that:

"The plan will show that an access road will be incorporated into the previously approved road configuration. The access road will serve as the entry to the Solar Farm. The access road is intended to be improved, but remain unpaved, and a security gate will be installed to prevent unauthorized access to the Solar Farm."

Town Counsel submitted an opinion on the matter. After an informal review with the Board on January 9, 2012 and further consideration, the request was withdrawn by the Applicant on January 20, 2012. In the correspondence formally withdrawing the request it was noted that the Applicant intended to file a formal application to amend the application per the requirements of the Grafton Zoning By-Law.

- **July 2012 – Special Permit (SP 2012-4) & Site Plan Approval – 100 Milford Road – Access Road to Solar Generating Facility in abutting property in Northbridge – Approved with Conditions by the Planning Board on July 23, 2012.** The Applicant, owning both 100 Milford Road in Grafton the adjacent property in Northbridge, applied to build an access road across property in South Grafton to a site in Northbridge where the entirety of the solar generating facility would be constructed. Both parcels in South Grafton and Northbridge are owned by Hilltop Properties LLC which is located in South Grafton. Since the time of the permit was approved, both the roadway and the solar farm have been constructed. The Decision was filed with the Worcester District Registry of Deeds on September 18, 2012 (Book 49635, Page 169).

The current four Applications for the entirety of the site development and use consist of:

- **Special Permit (SP 2015-2) – Use permit to construct rooftop solar generating facilities per Sections 1.5 and 3.2.3.1 of the Grafton Zoning By-Law**
- **Site Plan Approval (SPA 2015-2) – Site Plan Approval for the construction of rooftop solar generating facilities per Section 1.3.2 and Section 1.3.2 of the Grafton Zoning By-Law**

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- Special Permit (SP 2015-3) – Use permit to self-storage facilities per Sections 1.5 and 3.2.3.1 of the Grafton Zoning By-Law
- Site Plan Approval (SPA 2015-3) – Site Plan Approval for the construction of self storage facilities per Section 1.3.2 and Section 1.3.2 of the Grafton Zoning By-Law

Each application will generate an individual Decision. Site Plan Approval for both of the requested Special Permits are incorporated into that process per the requirements of Section 1.3.3.2 of the Grafton Zoning By-Law. In addition, the Special Permits are not mutually exclusive in that the rooftop solar generating facilities are specific to the buildings, landscaping and screening proposed in the self-storage facilities application. Each Application will be conditioned to reference each other to ensure that the totality of the site will be developed according to all conditions for use and site plan development (See CONDITION #1).

II. SUBMITTALS

The following items were submitted to the Board for its consideration of this Application:

EXHIBIT 1. Application packet submitted by Andrews Survey & Engineering, Inc., received February 17, 2015; consisting of the following:

- Application for Special Permit & Site Plan Review, Self Storage Facility & Solar Electric Generation, 100 Milford Road, South Grafton, MA; prepared by Andrews Survey & Engineering, Inc.; dated February 4, 2015; includes the following material:
 - Application for Special Permit (Self Storage), 1 page.
 - Application for Site Plan Review (Self Storage), 1 page.
 - Application for Special Permit (Solar Electric Generation), 1 page.
 - Application for Site Plan Review (Solar Electric Generation), 1 page.
 - Certificate of Good Standing (incomplete), 1 page.
 - Project Narrative, 1 page.
 - Sample Activity Report, 126 Storage, Inc.; 31 pages.
 - Property Deed, 1 page.
 - Assessor Map, 1 page.
 - Certified Abutters List, 8 pages.
 - Sample Self Storage Rental Contract, 2 pages.
 - Sign Samples, 1 page.
 - Building construction materials information and photo examples, 8 pages.
 - Wal-Pak Light Cut Sheet, 8 pages.
- Plan Set; Proposed Self Storage Facility, 100 Milford Road, South Grafton, Massachusetts; prepared by Andrews Survey & Engineering, Inc.; dated February 4, 2015; 24" x 36" and 11" x 17"; includes the following sheets:
 - C-0.0.....Cover Sheet
 - C-1.0.....Legend, Abbreviations & General Notes
 - C-2.0.....Existing Conditions Plan
 - C-3.0.....Layout & Materials Plan
 - C-4.0.....Utility Plan
 - C-5.0.....Grading & Drainage Plan

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- C-6.0.....Landscaping & Lighting Plan
- C-7.1 – C-7.3.....Construction Details
- Operation and Maintenance Plan, Self Storage Facility, 100 Milford Road; prepared by Andrews Survey & Engineering, Inc., dated February 4, 2015; 11 pages.
- Stormwater Management Report, Self Storage Facility, 100 Milford Road; prepared by Andrews Survey & Engineering, Inc., dated February 4, 2015; 60 pages.
- EXHIBIT 2.** Project Review Memorandum, Grafton Water District, received February 20, 2015; 1 page.
- EXHIBIT 3.** Project Review Memorandum, Zoning Board of Appeals; 1 page.
- EXHIBIT 4.** Project Review Memorandum, Fire Department, received March 12, 2015; 1 page.
- EXHIBIT 5.** Project Review Memorandum, Board of Assessors, received March 17, 2015; 4 pages.
- EXHIBIT 6.** Project Review Memorandum, Treasurer / Collector's Office, 1 page.
- EXHIBIT 7.** Correspondence from Graves Engineering, Self Storage Facility & Solar Electric Generation – 100 Milford Road Special Permit & Site Plan Approval; dated March 16, 2015, received March 18, 2015; 3 pages.
- EXHIBIT 8.** Public Hearing Sign In Sheet, March 23, 2015. 1 page.
- EXHIBIT 9.** Project Review Memorandum, Police Department, received March 18, 2015; 2 pages.
- EXHIBIT 10.** Report, Traffic Impact Assessment for Hilltop Properties on Milford Road in Grafton, Massachusetts – May 2009 With Additions Through November 10, 2009; prepared by Gillon Associates; Exhibit #1 for Special Permit 2009-1, received on November 30, 2009; 130 pages.
- EXHIBIT 11.** Email Correspondence from Travis Brown, Andrews Engineering; 100 Milford Road – Hilltop Self Storage; received April 2, 2015; 1 page; includes the following attachments:
 - Release of Deed Restrictions, Grafton Assessors Lot 2R; Worcester District Registry of Deeds Book 45753, Page 82; dated April 23, 2010; 2 pages.
 - Amendment of Restrictions, 116 Milford Road, Grafton; Worcester District Registry of Deeds Book 42638, Page 215; dated March 24, 2008; 2 pages.
- EXHIBIT 12.** Revised Application material and correspondence packet submitted by Andrews Survey & Engineering; received April 10, 2015; includes the following:
 - Correspondence from Andrews Survey & Engineering, Inc., Peer Review Comment Responses, Self-Storage Facility & Solar Electric Generation – 100 Milford Road, Grafton, ASE Project #2014-316; dated April 7, 2015, received April 10, 2015; 2 pages.
 - Operation and Maintenance Plan, Self Storage Facility, 100 Milford Road; prepared by Andrews Survey & Engineering, Inc., dated February 4, 2015, revised April 1, 2015; 23 pages.
 - Stormwater Management Report, Self Storage Facility, 100 Milford Road; prepared by Andrews Survey & Engineering, Inc., dated February 4, 2015, revised April 1, 2015; 66 pages.

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- EXHIBIT 13.** Email Correspondence from Travis Brown, Andrews Engineering; 100 Milford Road landscaping & Lighting; received April 23, 2015; 1 page; includes the following attachment:
- Plan: South Grafton Storage ILP Layout; 8 ½ x 11", black & white; dated April 10, 2015; 1 page.
- EXHIBIT 14.** Plan: Sheet C-6.0: Landscaping and Lighting Plan, Proposed Self-Storage Facility, Proposed Roof Mounted Solar, 100 Milford Road, South Grafton, MA 01560; prepared by Andrews Survey & Engineering, Inc.; dated April 3, 2015; 11" x 17", black & white; received April 24, 2015; 1 sheet.
- EXHIBIT 15.** Correspondence from Graves Engineering, Self Storage Facility & Solar Electric Generation – 100 Milford Road Special Permit and Site Plan Review; dated April 22, 2015, received April 24, 2015; 3 pages.
- EXHIBIT 16.** Plan Set: Floor Plan and Building Elevations, Grafton Self Storage; prepared by Acropolis Design Consultants; dated April 24, 2015, received April 27, 2015; 11" x 17", color; 4 sheets.
- EXHIBIT 17.** Plan: Sheet C-6.0: Landscaping and Lighting Plan, Proposed Self-Storage Facility, Proposed Roof Mounted Solar, 100 Milford Road, South Grafton, MA 01560; prepared by Andrews Survey & Engineering, Inc.; dated April 3, 2015; 11" x 17", black & white; received April 27, 2015; 1 sheet.
- EXHIBIT 18.** Public Hearing Sign In Sheet, April 27, 2015; 1 page.
- EXHIBIT 19.** Application Material submitted by the Applicant at the April 27, 2015 Public Hearing; material submitted includes:
- Plan Set; Proposed Self Storage Facility, 100 Milford Road, South Grafton, Massachusetts; prepared by Andrews Survey & Engineering, Inc.; revised April 3, 2015; submitted by the Applicant at the April 27, 2015 public hearing; 11" x 17", black & white; includes the following sheets:
 - C-0.0 Cover Sheet
 - C-1.0 Legend, Abbreviations & General Notes
 - C-2.0 Existing Conditions Plan
 - C-3.0 Layout & Materials Plan
 - C-4.0 Utility Plan
 - C-5.0 Grading & Drainage Plan
 - C-6.0 Landscaping & Lighting Plan
 - C-7.0 Roof Mounted Solar Panel
 - C-8.1 – C-8.3 Construction Details
 - Digital renderings of landscaping; no title, no date; 11" x 17", color; submitted by the Applicant at the April 27, 2015 public hearing; 6 pages.
 - Photos with digital renderings of landscaping; no title, no date; 11" x 17", color; submitted by the Applicant at the April 27, 2015 public hearing; 5 pages.
- EXHIBIT 20.** Public Hearing Continuance, Written Request made by the Applicant to continue the hearing to May 4, 2015 at 7:30 p.m.; submitted at the April 27, 2015 public hearing; 1 page.

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EXHIBIT 21. Plan Set; Proposed Self Storage Facility, 100 Milford Road, South Grafton, Massachusetts; prepared by Andrews Survey & Engineering, Inc.; revised April 28, 2015; received April 30, 2015; 11" x 17" and 24" x 36", black & white; includes the following sheets:

- C-0.0.....Cover Sheet
- C-1.0.....Legend, Abbreviations & General Notes
- C-2.0.....Existing Conditions Plan
- C-3.0.....Layout & Materials Plan
- C-4.0.....Utility Plan
- C-5.0.....Grading & Drainage Plan
- C-6.0.....Landscaping & Lighting Plan
- C-7.0.....Roof Mounted Solar Panel
- C-8.1 – C-8.3.....Construction Details

EXHIBIT 22. Project Narrative, submitted by the Applicant; revised May 4, 2015; received May 4, 2015; 4 pages.

EXHIBIT 23. Email Correspondence from Rao Kandukuri, 38 Tulip Circle; Concerns on Self-storage facility at 100 Milford Road; received May 4, 2015; 1 page.

EXHIBIT 24. Email Correspondence from Mike St. Onge, 100 Milford ave project [sic]; dated May 3, 2015, received May 4, 2015; 1 page.

EXHIBIT 25. Email Correspondence from Al Sanborn, 38 Cherry Lane; Tonight's meeting re Rocco Addeo's proposed self-storage buildings on Milford Road; received May 4, 2015; 1 page.

EXHIBIT 26. Email Correspondence from Stone Iyengar, 16 Buttercup Lane; Self-Storage Facility proposed to be built at 100 Milford Road; received May 4, 2015; 1 page.

EXHIBIT 27. Email Correspondence from Mark Comeau, Fwd: Hilltop Self-Storage (100 Milford Road, Grafton, MA); dated and received May 4, 2015; 1 page.

EXHIBIT 28. Public Hearing Sign In Sheet, May 4, 2015; 1 page.

III. FINDINGS

At their meeting of June 22, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hanna, seconded by Mrs. Hassinger) voted 5-0 in favor to make the following Findings:

- F5. That determinations regarding the following findings are based upon the plans identified in this Decision, as well as the information and materials submitted and presented in association with the Application.
- F6. That determinations regarding the following findings are also predicated upon satisfactory completion of the work and site improvements shown on Plans in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.
- F7. That the subject site is located within an Office / Light Industrial (OLI) zoning district (see EXHIBIT #1).

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- F8. That this Application is for a Special Permit under Section 3.2.3.1 – Public Utility Uses. Applicant is seeking to build a solar generating facility on privately owned land at 100 Milford Road, South Grafton. This use requires a Special Permit and Site Plan Approval.
- F9. That the Board conducted a joint hearing for four Applications associated with this site:
- Special Permit (SP 2015-2) – Use permit to construct rooftop solar generating facilities per Sections 1.5 and 3.2.3.1 of the Grafton Zoning By-Law
 - Site Plan Approval (SPA 2015-2) – Site Plan Approval for the construction of rooftop solar generating facilities per Section 1.3.2 and Section 1.3.2 of the Grafton Zoning By-Law
 - Special Permit (SP 2015-3) – Use permit to self-storage facilities per Sections 1.5 and 3.2.3.1 of the Grafton Zoning By-Law
 - Site Plan Approval (SPA 2015-3) – Site Plan Approval for the construction of self storage facilities per Section 1.3.2 and Section 1.3.2 of the Grafton Zoning By-Law

That during the public hearing the Board noted that each Application will be conditioned to reference each other to ensure that the totality of the site will be developed according to all conditions for use and site plan requirements.

- F10. That during the public hearing the Board and Applicant discussed the nature of the Application. The current site is 5.0 acres of what was once a farm field. The site is bordered by a large solar facility on the south (located in the Town of Northbridge but accessed across the site under consideration), a large residence / farm complex to the east, and a small vacant parcel of land to the west, all owned by the Applicant. To the north there is a large M.G.L. Ch. 40B residential complex consisting of 260 townhouse condominiums known as Hilltop Farms. The proposed solar generating facilities which are the subject of this Application are to be installed on the rooftops of nine (9) proposed buildings to be utilized as self-storage units (see Special Permit SP 2015-3). All information and design elements relating to the rooftop solar generating facilities proposed in this Application are dependent upon the approval of the Special Permit (SP 2015-3) and Site Plan Approval (SPA 2015-3).
- F11. That during the public hearing the Board and the Applicant discussed the project as it relates to the solar electric generation. One sheet in the plan set is entitled "Roof Mounted Solar Plan". It depicts proposed inverter and transformer pads as well as roof mounting and inverter typical details. The note indicates that the "roof mounted solar electrical generating facility may produce 726+/- kilowatts. The plan further notes that the final roof mounted solar will be designed by others. (See EXHIBIT #21). However, during the public hearing the Applicant stated that he expected the solar facilities to generate 850 kW of electricity. No additional documentation was received including information about connection to the grid. The Board noted that the Application did not include a number of items typically needed to assess solar applications such as connection to the grid, vertical cross sections specific to panel height to assess visual impacts, construction details, or an operations & management plan for monitoring the solar installation for ongoing maintenance, safety and security.
- F12. That during the public hearing the Board and the Applicant discussed the use and distribution of the energy generated from the solar panels. Mr. Addeo stated that some of the energy will be used to run the self-storage facility (see Special Permit SP 2015-3) and the rest will be made available to either a private entity or for municipal use. He stated that he plans to contact National Grid to discuss his

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options. No documentation was received to verify a proposed allocation of energy generated by the solar facility.

- F13. That during the public hearing the Board and the Applicant discussed the height of the panels and the visual impacts on surrounding properties. The Applicant reviewed the plans noting that the panels will be mounted flush on the storage facilities rooftops, installed approximately 4"-5" above the rooftop. The rooftops are pitched and the panels will not require additional tilt. Visual impacts will be minimal due to the slope of the land and that the rooftops will pitch away to the south. Landscaping elements proposed for the self-storage facility (Special Permit SP 2015-3 & Site Plan Approval SPA 2015-3) will address the visual impacts of the buildings. The Applicant stated that the rooftop solar panels will not have a significant visual impact that would require additional screening measures.
- F14. That during the public hearing the Board and Applicant discussed the time frame for construction. Mr. Addeo noted that the solar facilities would be built in conjunction with the phased development of the self-storage buildings on which they will be installed. He stated that the buildings and solar on the eastern part of the site would be developed first and that those panels would be activated. Once those buildings are mostly occupied with tenants then the rest of the site will be developed including the second phase of the solar facility.
- F15. That during the public hearing the Board discussed the proposed screening for the site. It was noted that all the site screening issues would be addressed as part of Special Permit (SP 2015-3) and Site Plan Approval (SPA 2015-3) for the self-storage facility. Screening specific to the solar generating facilities is incorporated into the other Applications.
- F16. That during the public hearing the Board and the Applicant discussed the nature of the proposed use and its compatibility with the abutting residential area. It was noted that the site is zoned Office / Light Industrial. The abutting residential area is a M.G.L. Ch. 40B development built on land zoned OLI.
- F17. That during the public hearing the Board received testimony from Ron Fairhurst, 21 Cherry Lane, specific to the solar installation regarding the use and sale of the electrical energy generated from the facility. The Applicant noted that the facilities will provide electrical supply for the site and that the rest would be sold out to the market (see FINDING #F12). Mr. Fairhurst asked if the site energy could be supplied from the large abutting solar farm to the south also owned by Mr. Addeo. It was noted that all that energy was already allotted to two other Towns.
- F18. That during the public hearing the Board and the Applicant discussed emergency access to the site. The site will be enclosed by a fence with a black aluminum fence installed along Milford Road only. The fencing will be black coated chain link fence. Mr. Addeo stated that the self storage facility will have regular office hours of 8:00 a.m. to 5:00 p.m. with open access to the business office. Access to the self storage and solar facilities will be via a scissor style gate. He stated that after hours access to the site will be by appointment only or in the event of emergency.

It was discovered that emergency access through the site would have to be addressed as part of a modification to a previously approved Special Permit (SP 2012-4 – See PROJECT OVERVIEW section of this DECISION). Emergency access through the site would require a modification to allow for Knox Box Systems for use by the police and fire department to travel through the site along the access road to the abutting solar farm. At the time of DECISION the Board finds that the

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Applicant was granted the minor modification of Special Permit SP 2012-4 to ensure adequate emergency access into and through the site.

- F19. That during the public hearing the Board received written comments from the public, primarily from the residents of the Hilltop Farms townhouse condominium project directly across the street from the site (see EXHIBIT listing). The majority of the residents submitting comments stated their opposition to the project.

At their meeting of June 22, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hanna, seconded by Mrs. Hassinger) voted 5-0 in favor to make the following Findings:

- F20. With regard to Section 1.5.5(a) of the ZBL that based upon the Findings stated within this Decision ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, and traffic flow are adequate - not applicable based on the nature of the Application. With regard to control and access in case of fire or catastrophe, are adequate. The minor modification of Special Permit 2012-4 satisfies this requirement (see FINDING F#17, EXHIBIT #22) with regards to access. The Applicant did not submit any information about the management, operations or maintenance of the solar generating facilities as it relates to fire safety (see FINDING #F11).
- F21. With regard to Section 1.5.5(b) of the ZBL, that based upon the Findings stated within this Decision, off-street parking and loading areas where required, and the economic, noise, or odor effects of the Special Permit on adjoining properties and properties generally in the district are satisfactory - not applicable based on the nature of the Application. With regards to glare, the Board finds that the impacts are satisfactory. The Applicant demonstrated the glare impacts will be minimized for the following reasons: pitch of rooftops, siting of the structures in relationship to the topography (away from residential area) and flush mounted panels 4-5 inches above rooftops (see FINDING #F13 and EXHIBIT #21).
- F22. With regard to Section 1.5.5(c) of the ZBL that based upon the Findings stated within this Decision, refuse collection or disposal and service areas are satisfactory. The location of the dumpster pad on site is appropriately situated (see EXHIBIT #21).
- F23. With regard to Section 1.5.5(d) of the ZBL that based upon the Findings stated within this Decision screening and buffering with reference to type, dimensions and character are / are not adequate. All site screening issues will be addressed as part of Special Permit (SP 2015-3) and Site Plan Approval (SPA 2015-3) for the self-storage facility. Screening specific to the solar generating facilities is incorporated into the other Application for the self storage facilities (SP 2015-3) (see FINDING #F15, CONDITION #C1).
- F24. With regard to Section 1.5.5(e) of the ZBL, that based upon the Findings stated within this Decision, signs and exterior lighting with reference to glare, traffic safety, economic effect is compatible and in harmony with properties in the district. No signs are proposed in this Application (see EXHIBIT #21). Exterior lighting will be addressed as part of the Applications for the self storage facilities (SP 2015-3) (see FINDING #F23, CONDITION #C1).

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- F25. With regard to Section 1.5.5(f) of the ZBL, that based upon the Findings stated within this Decision, the required yards and other open space requirements are adequate. The panels for the rooftop installation; location of transformer & inverter pads comply with the setback requirements.
- F26. With regard to Section 1.5.5(g) of the ZBL, that based upon the Findings stated within this Decision, the proposed use as conditioned by the Special Permit Decision is generally compatible with adjacent properties and properties in the district. The site is located within an Office and Light Industrial (OLI) district and the proposed solar generating facilities is compatible for the district. The abutting 256 unit townhouse condominium complex is a M.G.L. Ch. 40B housing development that was built on property where the zoning is also OLI. The Board appreciates the abutters concerns about compatibility but notes that the zoning for the area is OLI and that the proposed solar generating facilities use is compatible with uses allowed in the OLI zone.
- F27. With regard to Section 1.5.5(h) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there will not be any significant adverse impact on any public or private water supply. The site will be served by public water (EXHIBIT #2) and sewer systems (see EXHIBIT #21).
- F28. With regard to Section 1.5.5(i) of the ZBL, that upon satisfying and complying with all applicable Board of Health requirements, and based upon the Findings stated within this Decision, there will not be any significant or cumulative impact upon municipal water supplies (see FINDING #F27). The site is not located with the Water Supply Protection Overlay District.
- F29. With regard to Section 1.5.5(j) of the ZBL that based upon the Findings stated within this Decision, protection of important historic and cultural landscapes is satisfactory. No historic or cultural resources were identified in the Application or indentified through project review by the Town. With regards to scenic landscapes the proposed use is satisfactory. The site has not been designated a scenic landscape by the State. (Also see FINDING #F26).

At their meeting of June 22, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hanna, seconded by Mrs. Hassinger) voted 5-0 in favor to make the following Findings:

- F30. That Section 1.3.3.2 of the ZBL requires that the procedure for Site Plan Review, as defined in the ZBL, be incorporated into the procedure for reviewing Special Permits.
- F31. That Section 1.3.3.3 of the ZBL defines the procedure for Site Plan Review, including a description of the plans and materials to be submitted to the Planning Board. The Board finds that the Applicant submitted an Application for a Site Plan Approval (SPA 2015-2 and SPA 2015-3) in conjunction with this Special Permit Application. The Site Plan Approval Applications were considered in conjunction with this Special Permit Application at a joint public hearing as noted in the Project Overview of this Decision.

*DECISION – Grafton Planning Board
Special Permit (SP 2015-2) & Site Plan Approval (SPA 2015-2)
Construct a Rooftop Solar Energy Generating Facility
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IV. DECISION and CONDITIONS

At their meeting of June 22, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hanna, seconded by Mrs. Hassinger) voted 5-0 in favor to GRANT this Special Permit with the following conditions:

- C1. Special Permit (SP 2015-2) & Site Plan Approval for the solar generating facilities and Special Permit (SP 2015-3) & Site Plan Approval for construction of the self-storage facility are not mutually exclusive. The rooftop solar generating facilities are specific to the buildings, landscaping and screening proposed in the self-storage facilities application. Each Application will be conditioned to reference each other to ensure that the totality of the site will be developed according to all conditions for use and site plan development. (See PROJECT OVERVIEW).
- C2. This Special Permit and Site Plan Approval specifically authorizes the construction of rooftop solar generating facility and associated equipment for the production of electrical energy not to exceed 726 kW as described within the EXHIBITS and FINDINGS of this Decision.
- C3. All conditions of Special Permit (SP 2015-3) and Site Plan Approval for the proposed self storage facility and associated site improvements are incorporated into this DECISION.
- C4. Prior to the issuance of the a building permit, the Applicant shall submit the following:
 - A final plan set to be reviewed and approved by the Planning Board or its Agent to include:
 - All revisions and changes made during the course of the public hearing and in particular the Landscaping & Lighting Plan (EXHIBIT 14.)
 - Detail installation and / or construction documentation that shows the height of the panels mounted on the rooftops to ensure flush mounting at a height that does not exceed 5 inches above roof (see FINDING #F13). Solar panels will be affixed to the rooftop in a manner that does not allow additional tilting either manually or any other manner.
 - All Conditions of this Special Permit & Site Plan Approval as contained within this DECISION.
 - An Operations and Maintenance Plan for the solar generating facilities to be reviewed and approved by the Planning Board or its agent. The plan shall include, but not be limited to:
 - Information that protects the health, safety and welfare of the Town with regards to connection to utility poles / structures within the Town's right of way
 - Information about the system manager with emergency contact information to be provided to the Police and Fire Departments
 - Maintenance Schedule
- C5. The solar generating panels will not be constructed anywhere on the site except upon the rooftops of the self storage buildings. No portion of the solar generating facilities shall be activated until all local, state and federal requirements, including inspections, have been satisfied.
- C6. The Applicant shall and install and maintain emergency access security features per the requirements of the Fire and Police Departments not only for solar generating facilities and self storage site but to

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ensure adequate emergency access through the site to the abutting solar farm (see FINDING #F18), as required by the SP 2012-4 decision as amended.

- C7. The hours of construction for the solar generating facilities shall be contingent upon Conditions set forth in the Special Permit (SP2015-3) and Site Plan Approval (SPA 2015-3) for the self-storage facility.
- C8. This Special Permit shall bind the Applicant and Owner and /or their future successors and assigns to all the conditions set forth in this DECISION. Any change in management and/ or ownership of the solar generating facility shall require notification to the Planning Board within one month from the change in ownership / management of the solar facility.
- C9. The work authorized by this Special Permit shall be solely for the purposes noted within Condition #2 of this Decision. Changes to plans presented in this Application may be made only upon authorization from the Planning Board. Such authorization shall only be granted provided the Board finds that any change requested by the Applicant is not substantially different than the plan presented within the EXHIBITS of this Decision, and is consistent with the intent and purpose of this Decision. Requests for such change(s) shall be submitted in writing to the Planning Board.
- C10. The Applicant shall comply with any Order of Conditions and/or permits issued by the Grafton Conservation Commission.
- C11. Signage for, and associated with, the use authorized by this Decision shall be installed in accordance with, and conform to, the Town of Grafton Zoning By-law. This Decision shall not be construed as approving or authorizing any such signage.
- C12. Once the solar installation has reached the end of its useful life or has been abandoned it shall be removed. The Owner or Operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The Owner or Operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of but not be limited to:
 - Physical removal of all roof-mounted solar panel installations, structures, equipment, security barriers and transmission lines from the site.
 - Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- C13. In accordance with Section 1.3.3.8 of the ZBL, this Site Plan Approval shall be valid for two (2) years from the date of approval. All work proposed in the site plan or required by conditions to which the approval was subject must be completed within two (2) years from the date of approval. This Site Plan Approval is contingent upon a valid Special Permit and Site Plan Approval for the self storage facility (Special Permit SP 2015-3). Failure to maintain a valid Special Permit and Site Plan Approval for the self-storage facility (SP 2015-3) shall render this Special Permit null and void (see FINDING #F10).
- C14. In accordance with Section 1.5.8 of the ZBL, this Special Permit shall lapse within one (1) year from the date of the expiration of the appeal period if substantial use, or construction, has not been commenced except in accordance with the law. Any request for an extension of said period of validity shall be considered a Modification of this Special Permit and Site Plan Approval, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the

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ZBL. This Special Permit is contingent upon a valid Special Permit and Site Plan Approval for the self storage facility (Special Permit SP 2015-3). Failure to maintain a valid Special Permit and Site Plan Approval for the self-storage facility (SP 2015-3) shall render this Special Permit null and void (see FINDING #F10).

- C15. This Special Permit shall not take effect until the Decision has been recorded at the Worcester District Registry of Deeds (WDRD) and a copy provided to the Planning Board and the Building Department. Said copy will include recording information such as the WDRD Book and Page Number and/or Instrument Number.
- C16. By recording this Special Permit Decision in the Worcester District Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Special Permit and Site Plan Approval Decision.

V. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted 5-0 to GRANT the Applicant's Special Permit Application for a rooftop solar energy generating facility at 100 Milford Road based on the information received at the public hearing and the aforementioned findings.

<u>David Robbins, Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>Michael Scully, Vice Chairman</u>	<u>AYE</u>	<u>Robert Hassinger, Member</u>	<u>AYE</u>
<u>Sargon Hanna, Clerk</u>	<u>AYE</u>		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



Joseph Laydon, Town Planner

6-25-2015

Date

cc: Applicant

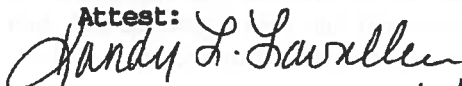
- Owner
- Graves Engineering

- Board of Assessors
- Building Inspector

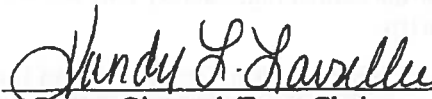
To Whom It May Concern: This is to certify that the 20 day appeal period has passed and there have been no appeals made to this office.

A true copy,

Attest:



Kandy L. Lavallee Asst. Town Clerk
~~Donna M. Girouard, Town Clerk~~
 Grafton, MA



~~Donna Girouard, Town Clerk~~
 Kandy Lavallee, Asst. Town Clerk

July 23, 2015

Date

ATTEST: WORC. Anthony J. Vigliotti, Register